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EXAMINER

POPOVICI, DOV

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/10/2008 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 15-16, 18, 25-26 and 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Wright et al. (U.S. Patent No. 7,302,164).

As to claim 15, Wright et al. discloses a medical data recording method (see figures 1-5) comprising: receiving medical data through a software module and parsing patient identification information and study information from the received medical data (see column 5, lines 50-60 and see figure 3, step 134), storing the parsed patient

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identification information and parsed study information (see column 5, lines 50-60 “image data from the image server database 202 are stored in DICOM format” and column 6, lines 37-58), noting the end of the received medical data through the software module for each patient (column 5, lines 20-50), creating a job containing medical data, medical data viewing software, and a print file for an autoloader control software, the print file having the stored parsed patient identification information and the stored parsed study information (see column 6, lines 4-67 and column 7, lines 1-20), submitting the job to the autoloader control software, and recording a disc based on with the data produced by the job such that the medical data viewing software is recorded on the disc along with the medical data and printing a template containing the stored parsed patient identification information and the stored parsed study information on the disc to label the disc (see column 8, lines 4-20).

As to claim 16, Wright et al. discloses loading the viewing software which automatically loads and displays the medical data after disc insertion in a computer (see figure 1, 112 and column 6, lines 4-20).

As to claim 18, Wright et al. discloses backing up the medical data on a disc; (see column 6, lines 4-27).

As to claim 25, Wright et al. discloses processing the received medical data to comply with DICOM standards (see column 5, lines 50-56).

As to claim 26, Wright et al. discloses storing the job after the job has been created; (see figures 1, database 114 and see figure 3, step 143 and see column 5,

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lines 50-60 “image data from the image server database 202 are stored in DICOM format” and column 6, lines 37-58).

As to claim 29, Wright et al. discloses wherein creating the job comprises utilizing a print file that includes a print template and print merge data (see column 6, lines 27-65).

As to claim 30, Wright et al. discloses wherein noting the end of the received medical data for each patient comprising utilizing a time out period (see figure 3, 128 and 130, and see column 5, lines 20-50).

As to claim 31, Wright et al. discloses wherein recording the disc comprising utilizing a CD (see column 6, lines 8-65).

As to claim 32, Wright et al. discloses wherein recording the disc comprising utilizing a disc having a format selected from a group consisting of: CDR, CDRW, DVD-R, DVD-RW, and DVD-RAM (see column 3, lines 23-39).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al. (U.S. Patent No. 7,302,164) in view of Farrell et al. (U.S. Patent No. 5,717,841).

As to claim 27, Wright et al. as modified does not specifically mentions deleting the job after submitting the job to the autoloader control software.

Farrell et al. discloses a printing system and improving system performance, efficiency and speed by reducing the number of inactive jobs stored in the system memory. The number of inactive jobs can be reduced by causing automatic job archiving and deletion upon the occurrence of a predetermined triggering event (see column 2, lines 33-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Wright et al. to include: deleting the job after submitting the job to the autoloader control software.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Wright et al. by the teaching of Farrell et al. to include: deleting the job after submitting the job to the autoloader control software because it would benefit Wright et al. because Wright et al.'s hard drive or memory would run out of storage space and/or memory space, if the created files stored in the hard drive would never be deleted. Therefore, by deleting the job after submitting the job to the autoloader control software, more memory space is made available to store other or newly created job(s) or data, while by deleting the job after submitting the job to

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the autoloader control software, more memory space is made available, thereby, improving the system performance, such as, faster system or processing speed and more storage or memory space availability, can be greatly improved with less stored job(s), data or file(s), and for the reasons taught by Farrell et al at column 2, lines 33-38, i.e., improving system performance, efficiency and speed by reducing the number of inactive jobs stored in the system memory. The number of inactive jobs can be reduced by causing automatic job archiving and deletion upon the occurrence of a predetermined triggering event.

As to claim 28, Wright et al. as modified does not specifically mentions deleting the job occurs automatically after recording of the disc has completed.

Farrell et al. discloses a printing system and improving system performance, efficiency and speed by reducing the number of inactive jobs stored in the system memory. The number of inactive jobs can be reduced by causing automatic job archiving and deletion upon the occurrence of a predetermined triggering event (see column 2, lines 33-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Wright et al. to include: deleting the job occurs automatically after recording of the disc has completed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Wright et al. by the teaching of Farrell et al. to include: deleting the job occurs automatically after recording of the disc has completed

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because it would benefit Wright et al. because Wright et al.'s hard drive or memory would run out of storage space and/or memory space, if the created jobs or files stored in the hard drive would never be deleted. Therefore, by deleting the job occurs automatically after recording of the disc has completed, more memory space will be made available to store other or newly created job(s) or data, while by deleting the job occurs automatically after recording of the disc has completed, more memory space will be made available, thereby, improving the system's performance, such as, faster system or processing speed and more storage or memory space availability, can be greatly improved with less stored job(s), data or file(s), and for the reasons taught by Farrell et al at column 2, lines 33-38, i.e., improving system performance, efficiency and speed by reducing the number of inactive jobs stored in the system memory. The number of inactive jobs can be reduced by causing automatic job archiving and deletion upon the occurrence of a predetermined triggering event.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-16, 18, 26 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelanek et al. (U.S. Patent No. 5,724,582) in view of Kahle (U.S. Patent No. 5,518,325) and further in view of Murray et al. (U.S. Patent No. 5,721,891).

As to claims 15 and 29-30, Pelanek et al. discloses a medical data recording method (see figures 1-5) comprising: receiving medical data (archive station 32 receives medical data from medical image source 30, see figure 1) through a software module and parsing patient identification information (see column 5, lines 40-62) and study information from the received medical data (see column 5, lines 40-45 column 5, lines 25-30). Column 5, lines 42-45 indicates that the user enters the patient's name, ID number, etc, into the archive station 32 by user input device 44, **if this information cannot be supplied via the XEM motion image source interface 58**. This clearly reads on: parsing patient identification information via interface 58. Storing the parsed patient identification information and parsed study information (storing the parsed patient identification information and parsed study information in the archive station 32). Creating a job (see column 5, lines 40-50; the collection of data that is being sent to the CD writer 60, see figure 3 and see figure 4) containing medical data, medical data viewing software (the medical data viewing software reads on: the file directory (see column 6, lines 22-30).

Pelanek et al. discloses recording a disc (see figure 3, CD writer 60) based on with the data produced by the job such that the medical data viewing software (reads on: file directory) is recorded on the disc along with the medical data (see column 5, lines 40-50 and col. 6, lines 20-30).

Pelanek et al does not specifically specify “creating a job containing a print file for an autoloader control software, the print file having the stored parsed patient identification information and the stored parsed study information, submitting the job to the autoloader control software, and printing a template containing the stored parsed patient identification information and the stored parsed study information on the disc to label the disc and wherein creating the job comprises utilizing a print file that includes a print template and print merge data.”

Kahle teaches disk label printing and creating a job containing a print file (see column 6, line 65 to column 7, line 5 and lines 20-65) and printing a template on the disc to label the disc, wherein the print file includes a print template and print merge data (see figures 1-2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Pelanek et al. by creating a job containing a print file for an autoloader control software, the print file having the stored parsed patient identification information and the stored parsed study information, submitting the job to the autoloader control software, and printing a template containing the stored parsed patient identification information and the stored parsed study information on the disc to label the disc and wherein creating the job comprises utilizing a print file that includes a print template and print merge data.

It would also have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Pelanek et al. by Kahle because creating a job containing a print file having the parsed patient identification information and the

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stored parsed study information, submitting the job to the autoloader control software, and printing a template containing the stored parsed patient identification information and the stored parsed study information on the disc to label the disc and wherein creating the job comprises utilizing a print file that includes a print template and print merge data, would enable the user or the system to label the disc of the patient at the same time when recording the disc verses having to manually label each disc after the recording process, hence, this would provide a system for printing labels on disc immediately before and/or after it is recorded with data, without requiring the manual writing of information and the product quality and integrity as well as improved production cycle time can be assured as taught by Kahle at column 1, lines 40-50.

Pelanek et al discloses that because of the probable need to accept new data from the user's lab while the previous patient's data has not been completed archived buffer storage 52 has the capacity to hold a minimum of two long patient study cases (see column 5, lines 58-62).

Pelanek et al does not specifically specify "noting the end of the received medical data through the software module for each patient and wherein noting the end of the received medical data for each patient comprises utilizing a time out period."

Murray et al., in the same area of transmitting data, teaches a timer (see column 2, lines 30-35 and lines 40-50) is implemented to detect the end of the stream, wherein noting the end of the received data comprises utilizing a time out period (see column 2, lines 30-35 and 40-50, time out period reads on: timer expires see figure 1, box 2) .

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Pelanek et al. to include: noting the end of the received medical data through the software module for each patient and wherein noting the end of the received medical data for each patient comprises utilizing a time out period.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Pelanek et al. by the teaching of Murray et al. because of the following reason(s): (a) it would improve the system of Pelanek et al. by detecting the end of data transmitted, as taught by Murray et al. at column 1, hence, each patient medical record can be separated by a time out period, and thus, this will prevent medical data from getting mixed up between different patients.

As to claim 16, Pelanek et al. as modified discloses loading the viewing software which automatically loads and displays the medical data after disc insertion in a computer (reads on: reading the file directory from CD 10 into memory 86 and the review station 34 is ready to begin displaying images on display 96; see column 6, lines 20-30 and see figure 4).

As to claim 18, Pelanek et al. as modified discloses backing up the medical data on a disc; (see column 3, lines 43-45 and column 5, lines 40-50).

As to claim 26, Pelanek et al. as modified discloses storing the job after the job has been created; (see figures 1, 3 and 4).

As to claim 31, Pelanek et al. as modified discloses wherein recording the disc comprising utilizing a CD (see figure 1, 3-4, CD writer 60 recording the disc comprising utilizing a CD 10).

As to claim 32, Pelanek et al. as modified discloses wherein recording the disc comprising utilizing a disc having a format selected from a group consisting of: CDR, CDRW, DVD-R, DVD-RW, and DVDRAM (see column 4, lines 24-30 where Pelanek et al. discloses CDR).

Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelanek et al. (U.S. Patent No. 5,724,582) in view of Kahle (U.S. Patent No. 5,518,325) and further in view of Murray et al. (U.S. Patent No. 5,721,891) as applied to claims 15 and 26 above, and further in view of Farrell et al. (U.S. Patent No. 5,717,841).

As to claim 27, Pelanek et al. as modified does not specifically mentions deleting the job after submitting the job to the autoloader control software.

Farrell et al. discloses a printing system and improving system performance, efficiency and speed by reducing the number of inactive jobs stored in the system memory. The number of inactive jobs can be reduced by causing automatic job archiving and deletion upon the occurrence of a predetermined triggering event (see column 2, lines 33-38).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Pelanek et al. to include: deleting the job after submitting the job to the autoloader control software.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Pelanek et al. by the teaching of Farrell et al. to include: deleting the job after submitting the job to the autoloader control software because it would benefit Pelanek et al. because Pelanek et al.'s hard drive or memory would run out of storage space and/or memory space, if the created files stored in the hard drive would never be deleted. Therefore, by deleting the job after submitting the job to the autoloader control software, more memory space is made available to store other or newly created job(s) or data, while by deleting the job after submitting the job to the autoloader control software, more memory space is made available, thereby, improving the system performance, such as, faster system or processing speed and more storage or memory space availability, can be greatly improved with less stored job(s), data or file(s), and for the reasons taught by Farrell et al at column 2, lines 33-38, i.e., improving system performance, efficiency and speed by reducing the number of inactive jobs stored in the system memory. The number of inactive jobs can be reduced by causing automatic job archiving and deletion upon the occurrence of a predetermined triggering event.

As to claim 28, Pelanek et al. as modified does not specifically mentions deleting the job occurs automatically after recording of the disc has completed.

Farrell et al. discloses a printing system and improving system performance, efficiency and speed by reducing the number of inactive jobs stored in the system memory. The number of inactive jobs can be reduced by causing automatic job archiving and deletion upon the occurrence of a predetermined triggering event (see column 2, lines 33-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Pelanek et al. to include: deleting the job occurs automatically after recording of the disc has completed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Pelanek et al. by the teaching of Farrell et al. to include: deleting the job occurs automatically after recording of the disc has completed because it would benefit Pelanek et al. because Pelanek et al.'s hard drive or memory would run out of storage space and/or memory space, if the created jobs or files stored in the hard drive would never be deleted. Therefore, by deleting the job occurs automatically after recording of the disc has completed, more memory space will be made available to store other or newly created job(s) or data, while by deleting the job occurs automatically after recording of the disc has completed, more memory space will be made available, thereby, improving the system's performance, such as, faster system or processing speed and more storage or memory space availability, can be greatly improved with less stored job(s), data or file(s), and for the reasons taught by Farrell et al at column 2, lines 33-38, i.e., improving system performance, efficiency and speed by reducing the number of inactive jobs stored in the system memory. The

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number of inactive jobs can be reduced by causing automatic job archiving and deletion upon the occurrence of a predetermined triggering event.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pelanek et al. (U.S. Patent No. 5,724,582) in view of Kahle (U.S. Patent No. 5,518,325) and further in view of Murray et al. (U.S. Patent No. 5,721,891) as applied to claim 15 above, and further in view of Koritzinsky et al. (U.S. Patent No. 6,988,074).

As to claim 25, Pelanek et al. as modified does not specifically disclose processing the received medical data to comply with DICOM standards.

Koritzinsky et al., in the same area of medical images, teaches that DICOM is widely used for data presentation in the medical field and processing received medical data to comply with DICOM standards (see column 8, lines 10-32 and column 16, lines 5-27).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Pelanek et al to include: processing the received medical data to comply with DICOM standards.

It would have been obvious to one person having ordinary skill in the art at the time the invention was made to have modified Pelanek et al. as modified by the teaching of Koritzinsky et al. to include processing the received medical data to comply with DICOM standards, so that all users of the network or received medical data can comply with the DICOM standards and for providing compatibility among all users,

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network and received medical data; and (b) it would allow the stored images or the received medical data to be view by other medical systems.

Response to Arguments

Applicant's arguments filed 10/10/2008 have been fully considered but they are not persuasive.

Applicant argues that the cited references fail to teach parsing received medical data with a software module for patient identification information and study information and subsequently printing a template with the parsed information to label the disc, applicant argument has been fully considered, but is not found to be persuasive because of the following reason(s):

Pelanek et al. discloses a medical data recording method (see figures 1-5) comprising: receiving medical data (archive station 32 receives medical data from medical image source 30, see figure 1) through a software module and parsing patient identification information (see column 5, lines 40-62) and study information from the received medical data (see column 5, lines 40-45 column 5, lines 25-30). Column 5, lines 42-45 indicates that the user enters the patient's name, ID number, etc, into the archive station 32 by user input device 44, **if this information cannot be supplied via the XEM motion image source interface 58**. This clearly reads on: parsing patient identification information via interface 58. Storing the parsed patient identification information and parsed study information (storing the parsed patient identification information and parsed study information in the archive station 32). Creating a job (see

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column 5, lines 40-50; the collection of data that is being sent to the CD writer 60, see figure 3 and see figure 4) containing medical data, medical data viewing software (the medical data viewing software reads on: the file directory (see column 6, lines 22-30).

Pelanek et al. discloses recording a disc (see figure 3, CD writer 60) based on with the data produced by the job such that the medical data viewing software (reads on: file directory) is recorded on the disc along with the medical data (see column 5, lines 40-50 and col. 6, lines 20-30).

Pelanek et al does not specifically specify “creating a job containing a print file for an autoloader control software, the print file having the stored parsed patient identification information and the stored parsed study information, submitting the job to the autoloader control software, and printing a template containing the stored parsed patient identification information and the stored parsed study information on the disc to label the disc and wherein creating the job comprises utilizing a print file that includes a print template and print merge data.”

Kahle teaches disk label printing and creating a job containing a print file (see column 6, line 65 to column 7, line 5 and lines 20-65) and printing a template on the disc to label the disc, wherein the print file includes a print template and print merge data (see figures 1-2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Pelanek et al. by creating a job containing a print file for an autoloader control software, the print file having the stored parsed patient identification information and the stored parsed study information,

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submitting the job to the autoloader control software, and printing a template containing the stored parsed patient identification information and the stored parsed study information on the disc to label the disc and wherein creating the job comprises utilizing a print file that includes a print template and print merge data.

It would also have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Pelanek et al. by Kahle because creating a job containing a print file having the parsed patient identification information and the stored parsed study information, submitting the job to the autoloader control software, and printing a template containing the stored parsed patient identification information and the stored parsed study information on the disc to label the disc and wherein creating the job comprises utilizing a print file that includes a print template and print merge data, would enable the user or the system to label the disc of the patient at the same time when recording the disc verses having to manually label each disc after the recording process, hence, this would provide a system for printing labels on disc immediately before and/or after it is recorded with data, without requiring the manual writing of information and the product quality and integrity as well as improved production cycle time can be assured as taught by Kahle at column 1, lines 40-50.

Applicant argues that the cited reference fail to teach recording a disc based on the job such that the medical data viewing software is recorded on the disc along with the medical data. Applicant argument has been fully considered, but is not found to be persuasive because of the following reason(s):

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Pelanek et al. discloses creating a job (see column 5, lines 40-50; the collection of data that is being sent to the CD writer 60, see figure 3 and see figure 4) containing medical data, medical data viewing software ("the medical data viewing software" reads on: the file directory (see column 6, lines 22-30).

Pelanek et al. discloses recording a disc (see figure 3, CD writer 60) based on with the data produced by the job such that the medical data viewing software (reads on: file directory) is recorded on the disc along with the medical data (see column 5, lines 40-50 and col. 6, lines 20-30).

Applicant requested the production of an evidentiary record for the Official Notice taken by the examiner. Farrell et al. is cited to disclose a printing system and improving system performance, efficiency and speed by reducing the number of inactive jobs stored in the system memory. The number of inactive jobs can be reduced by causing automatic job archiving and deletion upon the occurrence of a predetermined triggering event (see column 2, lines 33-38).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dov Popovici whose telephone number is 571-272-4083. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dov Popovici/
Primary Examiner, Art Unit 2625